UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

IN RE:)
Patrick Bennett)
) CHAPTER 13 PROCEEDINGS
) CASE NO.: 17-31239
Debtor	

TAKE NOTICE that Patrick Bennett has filed papers with the Court to Move TO EXTEND THE AUTOMATIC STAY BEYOND THIRTY (30) DAYS NUNC PRO TUNC & FOR COMPENSATION (No Protest). A copy of these paper(s) is included with this Notice or copied on the reverse side of this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to order the Amended Schedules Allowed, or if you want the Court to consider your views on the motion, then on or before **14 days** from the date of this Notice, you or your attorney must do three things:

1. File with the Court a written response <u>requesting that the Court hold a hearing</u> and explaining your position. File the response at:

U.S. Bankruptcy Court, Courtroom # (C1-4) 401 W. Trade Street, Charlotte, NC 28202

If you mail your request to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

2. On or before the date stated above for written responses, you must also mail or fax a copy of your written request to:

Jeanne Ann Pennebaker 10130 Perimeter Parkway, Suite 200, Charlotte, NC 28216 Fax # (704)659-4032

3. Attend the hearing scheduled for September 26, 2017, at 10:00 a.m. in Courtroom C1-5, United States Bankruptcy Court, 401 W. Trade Street, Charlotte, NC 28202.

If you or your attorney do not take these steps, **A HEARING WILL NOT BE HELD**, and the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: August 29, 2017.

/S/JEANNE ANN PENNEBAKER
10130 Perimeter Parkway, Suite 200
Charlotte, NC 28216
P(704)602-5233 F(704)659-4032
State Bar # 39174

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

IN RE:)
Patrick Bennett)
) CHAPTER 13 PROCEEDINGS
Debtor) CASE NO.: 17-31239
)

MOTION TO EXTEND THE AUTOMATIC STAY BEYOND THIRTY (30) DAYS NUNC PRO TUNC & FOR COMPENSATION

Now comes Debtor, Patrick Bennett, by and through his attorney who seeks to extend the automatic stay for the duration of his plan and shows the following:

- 1. Debtor initially filed a Chapter 13 proceeding on August 3, 2016 in the Western District of North Carolina.
- 2. His case was subsequently dismissed by the Chapter 13 Trustee on April 7, 2017, because of his inability to make his plan payments due to a delay of business income.
- 3. Debtor decided to re-file a second Chapter 13 bankruptcy after the dismissal because he believes that he can now propose a feasible plan.
- 4. Using the undersigned counsel, Debtor filed a new Chapter 13 proceeding in good faith on July 26, 2017.
- 5. Debtor believes that this new plan is feasible as he can afford to make the proposed monthly payments.
- 6. Since Debtor's current filing was within 1 year of his previous filing being dismissed, 11 U.S.C. § 362(c)(3)(A) operates to terminate his automatic stay within 30 days of her filing date.
- 7. Debtor seeks to extend the automatic stay beyond the thirty (30) days in order to allow him to make his best effort to pay her creditors.
 - 8. The attorney for Debtor seeks a non-base fee of \$350.00 for this matter.

BASED ON THE FOREGOING Debtor seeks an order extending the automatic stay beyond thirty (30) days for the balance of her case. The attorney for Debtor seeks a non-base fee of \$350.00 for this matter.

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This the 29th day of August, 2017.

/s/Jeanne Ann Pennebaker Jeanne Ann Pennebaker Attorney for Debtor NC Bar 39174 10130 Perimeter Parkway, Suite 200 Charlotte, NC 28216 (704) 602-5233 Case 17-31239 Doc 8 Filed 08/29/17 Entered 08/29/17 17:26:01 Desc Main Document Page 4 of 5

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Patrick Bennett)	
) CHAPTER	13 PROCEEDINGS
) CASI	E NO.: 17-31239
Debtor)	
)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION TO EXTEND THE AUTOMATIC STAY BEYOND THIRTY (30) DAYS NUNC PRO TUNC, FOR COMPENSATION AND NOTICE OF OPPORTUNITY FOR HEARING were served upon the following, and any interested creditor by personal delivery or electronic service through the US Bankruptcy Court:

Attached ECF Service List

Today is August 29, 2017.

/s/Jeanne Ann Pennebaker
Jeanne Ann Pennebaker
Attorney for Debtor
NC Bar 39174
10130 Perimeter Parkway, Suite 200
Charlotte, NC 28216
(704) 602-5233

Case 17-3
Label Matrix for local noticing
0419-3
Case 17-31239
Western District of North Caroli

Western District of North Carolina Charlotte

Tue Aug 29 13:03:33 EDT 2017

Appurgent Care 11821 Rock Landing Dr Newport News, VA 23606-4207

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227 West Trade Street Carillon Bldg, Suite 1700 Charlotte, NC 28202-1675 Charlotte Division 401 West Trade Street Charlotte, NC 28202-1633

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Brock & Scott, PLLC 5431 Oleander Dr # 200 Wilmington, NC 28403-5857

Charlotte Pediatric Dentistry 1110 Navaho Dr Ste 501 Raleigh, NC 27609-7369

Chase PO Box 15298 Wilmington, DE 19850-5298

Credit Control Corp. 11821 Rock Landing Dr Newport News, VA 23606-4207

Ford Motor Credit PO Box 542000 Omaha, NE 68154-8000

Internal Revenue Service P.O. Box 7317 Philadelphia, PA 19101-7317

Internal Revenue Service PO Box 7346 Philadelphia, PA 19101-7346 Kross/Lieberman & Stone 991 Aviation Pkwy Ste 30 Morrisville, NC 27560-8564

Medical 4135 Southstream Blvd # 400 Charlotte, NC 28217-4636 Medical PO Box 1629 Maryland Heights, MO 63043-0629 Mid-Atlantic Emergency Medical 2651 Warrenville Rd Ste 500 Downers Grove, IL 60515-5559

North Carolina Department of Revenue Bankruptcy Unit P.O. Box 1168 Raleigh, NC 27602-1168 Optimum Outcomes PO Box 58015 Raleigh, NC 27658-8015

PMAB 4135 Southstream Blvd # 400 Charlotte, NC 28217-4636

SPS PO Box 65250 Salt Lake City, UT 84165-0250

US Bank PO Box 3447 Oshkosh, WI 54903-3447 Jeanne Ann Pennebaker Jeanne Ann Pennebaker, PLLC 10130 Perimeter Parkway Suite 200 Charlotte, NC 28216-0197

Patrick Alden Bennett 240 Fenton Pl Charlotte, NC 28207-1914

Warren L. Tadlock 5970 Fairview Road, Suite 650 Charlotte, NC 28210-2100

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) U.S. Bank National Association

End of Label Matrix
Mailable recipients 22
Bypassed recipients 1
Total 23